

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH AUGUST MARSALA,

Plaintiff,

v.

DIAZ, et al.,

Defendants.

No. 1:22-cv-00843-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION FOR FAILURE TO STATE A
CLAIM

(Doc. 32)

Plaintiff Joseph August Marsala is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On November 17, 2023, the assigned magistrate judge screened the first amended complaint and issued findings and recommendations, recommending that this action be dismissed for failure to state a cognizable claim upon which relief may be granted. Doc. 32. Plaintiff was directed to file objections within fourteen (14) days and plaintiff timely filed objections on December 4, 2023. Doc. 34.

The magistrate judge found that plaintiff failed to provide sufficient allegations to state a cognizable claim. In his objections, plaintiff reiterates many of the same factual allegations that were found insufficient to state a cognizable claim in the findings and recommendations. The allegations highlighted in plaintiff's objections do not cure the deficiencies identified in the findings and recommendations, and plaintiff has not demonstrated that further leave to amend would be warranted.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
2 novo review of this case. Having carefully reviewed the file, including plaintiff's objections, the
3 Court finds the findings and recommendations to be supported by the record and by proper
4 analysis.

5 Accordingly:

- 6 1. The findings and recommendations issued on November 17, 2023, Doc. 32, are
7 adopted in full;
8 2. This action is dismissed for failure to state a cognizable claim upon which relief may
9 be granted; and
10 3. The Clerk of the Court is directed to close this case.

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13 IT IS SO ORDERED.

14 Dated: February 3, 2025


UNITED STATES DISTRICT JUDGE